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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,684	12/17/2003	Ryozo Matsumoto	2003_1809	4099

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EXAMINER

DURAND, PAUL R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/736,684	MATSUMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Durand	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-4, and 9, drawn to a method and apparatus of wrapping items around a horizontal axis, classified in class 53, subclass 399.
  - II. Claims 5-7, 10 and 11, drawn to a method and apparatus of wrapping items around a vertical axis, classified in class 53, subclass 449.
  - III. Claim 12, drawn to a wrapping apparatus with wrapping compression, classified in class 53, subclass 170.
  - IV. Claims 13 and 14, drawn to a wrapping apparatus for compressed objects, classified in class 53, subclass 530.
  - V. Claims 15-20, drawn to a wrapping apparatus, classified in class 53, subclass 203.
2. The inventions are distinct, each from the other because:
3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I does not require the patentably distinct subject matter of invention II in that invention I does not require the rotation of the load in a vertical plane. Likewise, invention II does not require the patentably

distinct subject matter of invention I in that invention II does not require the rotation of the load in a horizontal plane.

4. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I does not require the patentably distinct subject matter of invention III in that invention I does not require the use of a squeeze roller to squeeze the wrapping material during wrapping. Likewise, invention III does not require the patentably distinct subject matter of invention I in that invention III does not require the rotation of the load in a horizontal plane.

5. Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I does not require the patentably distinct subject matter of invention IV in that invention I does not require the use of a press nozzle to compress the objects prior to wrapping. Likewise, invention IV does not require the patentably distinct subject matter of invention I in that invention IV does not require the rotation of the load in a horizontal plane.

6. Inventions I and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I does not require the patentably

distinct subject matter of invention V in that invention I does not require a rotary table that advances the object in a direction of a vertical axis. Likewise, invention V does not require the patentably distinct subject matter of invention I in that invention V does not require the rotation of the load in a horizontal plane.

7. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention II does not require the patentably distinct subject matter of invention III in that invention II does not require the use of a squeeze roller to squeeze the wrapping material during wrapping. Likewise, invention III does not require the patentably distinct subject matter of invention II in that invention III does not require the rotation of the load in a vertical plane.

8. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention II does not require the patentably distinct subject matter of invention IV in that invention II does not require the use of a press nozzle to compress the objects prior to wrapping. Likewise, invention IV does not require the patentably distinct subject matter of invention II in that invention IV does not require the rotation of the load in a vertical plane.

9. Inventions II and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

Art Unit: 3721

operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention II does not require the patentably distinct subject matter of invention V in that invention II does not require a rotary table that advances the object in a direction of a vertical axis. Likewise, invention V does not require the patentably distinct subject matter of invention II in that invention V does not require the rotation of the load in a vertical plane.

10. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a wrapping apparatus that does not require the use of a press nozzle to compress the objects prior to wrapping. Likewise, invention IV has separate utility such as a wrapping apparatus that does not require the use of a squeeze roller to squeeze the wrapping material during wrapping. See MPEP § 806.05(d).

11. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a wrapping apparatus that does not require the use of a rotary table that advances the object in a direction of a vertical axis. Likewise, invention IV has separate utility such as a wrapping apparatus that does not require the use of a squeeze roller to squeeze the wrapping material during wrapping. See MPEP § 806.05(d).

12. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

Art Unit: 3721

shown to be separately usable. In the instant case, invention IV has separate utility such as a wrapping apparatus that does not require the use of a rotary table that advances the object in a direction of a vertical axis. Likewise, invention V has separate utility such as a wrapping apparatus that does not require the use of a press nozzle to compress the objects prior to wrapping. See MPEP § 806.05(d).

13. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Durand  
May 22, 2004



**SCOTT A. SMITH**  
**PRIMARY EXAMINER**